

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 4 | Issue 4

2021

© 2021 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Land Reforms Pre & Post Independence: A Comparative Study of India's Land Reforms

RITWIK PRAKASH¹

ABSTRACT

Land reform alludes to an increase in agro-monetary establishments. It includes measures and methods identifying with the redistribution of land, guideline of a contract, renewing the states of tenure, etc. Land reform is a part of the legacy of the nation's opportunity expansion since we acquired the agrarian structure from the British. Land reforms target repositioning ownership thinking from the viewpoint of social equity and revamping operational property from the view purpose of perfect use of land. "It comprises a transfer of ownership rights as well as the use of property away from large landowners and toward cultivators with little or no landholdings."

Keywords: Land reforms, tenant, landlord, legislation, zamindar.

I. INTRODUCTION

Land reform usually means the redistribution of property from the rich to the poor. Besides, it also involves the regulation of ownership, methods, leasing, selling, and heritage of the land. In a country like India where the agricultural sector play a crucial role in the development of the country land reforms becomes one of the most vital element in the overall development process. India with vast deficiency and unequal division of land combined that with a large mass of the rural population below the poverty line there are compelling financial and administrative need for land reform. Not surprisingly, it got the top preference on the policy plan at the time of Independence. After independence, India established a notable body for the land reform bills. In 1949, Constitution left the selection and implementation of land and ownership reforms to the state governments. Multiple land reforms were started after independence in India. The political leaders notably Nehru constantly dreamt of a socialist model of the society. Finishing the feudal forces is one of the major hurdles before the newly constituted Indian Government in the Post-Independent era.²

Before independence, India was under the oppressive rule of the Britishers and they urged the

¹ Author is a student at Amity Law School Noida, India.

² Shah, C.H., 1977. India: PC Joshi: Land Reforms in India: Trends and Perspectives. Allied Publishers, New Delhi, 1975, xiii, 181p. Rs. 15. *India Quarterly*, 33(4), pp.521-524.

mediators to get more taxes. However, this was not the inception as India lived under the feudal grips for ages. The Emperors who dictated India distributed the lands into Jagirs and give over them to the Jagirdhars. These Jagirdhars moreover created agents or mediators called Zamindars to keep their supervision on jagirs and obtain revenues from the farmers who cultivate in those farms. After the British landed they continued the mediators under the Permanent Settlement Act and distributed the lands to Zamindars completely to obtain the revenues. After freedom institutional reforms were required to change the model of feudal society to socialist. The symbol of agricultural India remained the wealthy although in minority but as the proprietor of the land for some purpose or other stayed by with the rich Zamindars class, they grew more and more strong year after year and expanding in wealth. However, the poor in majority peasants, who farmed the land, remained under the deep oceans of poverty and remained landless. When India embraced socialistic principles after independence, justice in all spheres – social, commercial and political was envisioned. Land reforms are necessary steps towards social and economic justice as land is a major asset required for the wholesome development of an individual and the country at large. According to the Indian constitution, land reform appears under the list of state subjects, and therefore the capacity for bringing up arrangements for effecting land reforms lies with unusual states.³

In this paper, we will briefly discuss the land reforms in pre- independence mainly focusing on the British era and post-independence along that we will discuss the economic and political argument in favour of land reforms.

II. PRE-INDEPENDENCE ERA

The land ownership method has a long history of its own. There is evidence to it even in the “Arthashastra’ of Kautilya. As stated in “Arthashastra”, the emperor was the single owner of the land. According to other manuscripts, the farmer of the land was reasonably regarded as the original owner of the land. The king could only increase or decrease the land tax. The ancient practice of land tax remained even during the Mughal period with some adjustments here and there. In the 16th century, Emperor Sher Shah Suri started the land settlement services for the evaluation and collection of land revenue. During the Akbar era, there was some advancement in the system. The British rulers acquired a well-laid-out land system from the Mughals. The British officers modified and reconstructed the prevailing land tenures in such a way as to secure the maximum revenue for the government in the form of land tax. These

³ Alex Andrew George, *Land reforms in India – History and Status*, ClearIAS. (Retrieved 25 February 2021, 9:04 pm), <https://www.clearias.com/land-reforms-in-india/>.

changes resulted in the rise of three types of land ownership systems in India.⁴

1. The Zamindari System

The Zamindari system was founded by Lord Cornwallis in 1793 to enhance the revenue of the East India Company. Under this new system, the landlords were acknowledged as the full owners of the land. In return for this recognition, the responsibility of collecting rent from the peasants was given to them. The Zamindars became the mediators between the cultivators and the State. But with time, the Zamindari settlements made these mediators the proprietors of land whereby creating an unchanging interest in the land.

There were two types of Zamindari settlements

(a) Permanent Zamindari Settlement: The permanent zamindari settlement fixed the land revenue permanently. This policy prevailed in Orissa, Bihar, Bengal, Banaras and some parts of Assam and Madras.

(b) Temporary Zamindari Settlement: As far as the temporary zamindari settlement was involved, land revenue was valued for a term ranging between 20 and 40 years in many different states. This practice was in trend in states like Uttar Pradesh, Punjab, Madhya Pradesh and Rajasthan. As the time of the evaluation was rather long, the temporary settlement was not “temporary” in the real sense.

The Zamindars were termed as "the most intellectual element of the rural population" by the British government. However, these expectations were not met. The Zamindari system as it operated in India suffered from many defects. They are as follows:

(i) Obstacle in Agricultural Development: The Zamindari system served as a challenging obstacle in bringing about economic change in rural India. The Zamindars displayed no interest in the development of either land or farming. The only interest they had was the collection of the revenues from the farmers.

(ii) Absentee-landlordism: The Zamindari system was proposed to promote progressive agriculture, however, it deteriorated into absentee landlordism. Absentee landlordism means the conferment of power of sharing the product of the land on a less without even engaging personally in the productive process. The very origin of the absentee landlords resulted in the decay of agriculture.

R. Datt and K. P. M. Sundharam observed that “Historically, the landowners as a class was

⁴ Nitish Yadav, *Land Reforms in India*. Academia.edu. (Retrieved 25 February 2021, 10:02 pm), https://www.academia.edu/37809726/Land_Reforms_in_India.

identified for their lavishness on women, wine and vices and the same can be said without a hint of doubt for the landlords of India they were no different. Thus the money derived from the cultivators by these parasites did not appear in capital creation but rather it increased conspicuous consumption.”

(iii) Exploitation: The concept of the zamindari system was solely based on the idea of exploitation as the zamindars were given the power to take any amount of rent. Nearly, one-fourth of the amount was taken away by the intermediaries in the form of rent. Further, the occupants had to work in the houses of Zamindars on events like wedding, sacred festivals without any monetary return.

(iv) Psychological insecurity: The actual farmer of the land was not the true owner of the land under the Zamindari system. As a result, he was always afraid of being evicted from his home.⁵

2. Mahalwari System:

Mahalwari system was introduced during British rule. It was first introduced in the state of Agra and later in Punjab. The Muslim tradition contributed to the development of the Mahalwari system. In the mahalwari tenure, a piece of land was collectively owned by a village community. The ruralites were combined and separately liable for the payment of land revenue. The lands owned by the village communities were both cultivated by the members of the communities themselves or were rented out to others for a suitable price. The village headman was trusted with the obligation of collecting the land revenue and storing it in the treasury. In return; they got 5 per cent as commission. The biggest shortcoming of the Mahalwari system was that the appearance of certain intermediaries committed to the presence of absentee landowners.

3. Ryotwari System:

Sir Thomas Munro in the year 1792 introduced the ryotwari system. The first Ryotwari agreement was made in the state of Madras in 1792. This system was based on the Hindu tradition. Under this policy, the duty of paying land revenue to the administration was of the individual ryot himself. There was no mediator between him and the state. The farmer had full privileges on land concerning the sale, removal, and sub-let or rent as long as he cleared land revenue to the state.⁶

⁵ Pooja Mongdal, *System of Land Tenure in Pre-Independent India*. Your Article Library, (28 February 2021 11:10 PM), <https://www.yourarticlelibrary.com/india-2/system-of-land-tenure-in-pre-independent-india/4821> .

⁶ Pooja Mongdal, *System of Land Tenure in Pre-Independent India*. Your Article Library, 28 February 2021 11:10pm), <https://www.yourarticlelibrary.com/india-2/system-of-land-tenure-in-pre-independent-india/4821>.

III. POST-INDEPENDENCE ERA

India attained independence in the year 1947, since then the central government along with the help of various state governments has tried to mediate the land reforms in many states with the objective of maximum use of land and securing the well-being of the farmers. A notable and successful example of land reforms is of West Bengal and Kerala.

The 1949 Constitution omitted the enactment and implementation of land to state governments. This resulted in a lot of modifications in the implementation of these reforms across states and over time. Independent India's biggest accomplishment story concerning land policy is possibly the abolition of the Zamindari system.

The land-reform system of India had two specific goals:

- (a) To remove such barriers to growing agricultural production as arising from the agrarian composition obtained from the past.
- (b) To eradicate all the factors of exploitation and social inequality within the agrarian system, to provide protection for the farmers and ensure equality of status and possibilities to all the sections of the rural population.

Just after the independence, the elimination of intermediaries who were in action under pre-independence in the British system has largely been successful. The additional objectives have produced mixed results and differ across states over time. Land reforms appear under the State List so its success varies from state to state. The most complete and prosperous reforms took place in the communist hotbeds of Kerala and West Bengal. States like Andhra Pradesh, Madhya Pradesh and Bihar saw inter-community disputes as a consequence of land reforms.⁷

1. Zamindari Abolition Acts

Initially, the Zamindari Abolition Act was established by UP, Tamil Nadu, Bihar, Madhya Pradesh, etc. Surplus lands were seized from zamindars. As in the Golaknath case, the Supreme Court held that the designated provisions of the Zamindari Abolition act contradicted Article 31 of the Indian Constitution; the legislature took actions to repeal Article 31. When these laws were passed in several states, they were questioned in the courts as being upon the right to property cherished in the Indian Constitution. So, various amendments were passed in the Parliament to authorize the cancellation of landlordism. As a result of this, around 30 lakhs inhabitants and share-croppers gained ownership rights over a total of 62 lakhs acres of

⁷ Anoushka Singh, *Pre and Post Independence Land reforms*, LegalDesire.com ,(1 March 2021 2:15pm), <https://legaldesire.com/pre-post-independence-land-reforms-in-india-a-comparative-study/>.

property all over the nation.

2. Land Ceilings Act

Land ceiling relates to fixing a lid on the extent of landholding that a family or a person can enjoy. Any excess land is divided among landless people like inhabitants, tenants, or farmers. The purpose of land roofing, according to the Report of the Panel on Land Reforms, was to:

- (i) To meet across the board desire to acquire land;
- (ii) Lessen evident imbalances in proprietorship and utilization of land;
- (iii) Lessen imbalance in rural revenue and expand the independent work;
- (iv) Give the landless a new status.

3. Tenancy legislation

This centered around three areas which are rent management, tenure protection and presenting ownership to tenants. For a long time, an appropriate land residency arrangement was seen to be the foundation of a strong and beneficial partnership. The Congress Agrarian Reforms Committee emphatically felt that the government assistance of the Indian working class and the advancement of horticulture in India depend to an enormous degree on whether the lower class feels secure about the source of their livelihood, and whether the residence system provides motivating factors and opportunities for nearby events

IV. OUTCOME OF LAND REFORMS

- **Abolition of agents like landlords** - The existence of dominant class like Zamindars and Jagirdhars discontinued. This decreased the exploitation of farmers who now became the proprietors of the land they cultivated. This move was rejected by the Zamindars who employed various means to avoid the law. They enrolled their land under their relative's names. They also rearranged residents throughout different plots of land so that they wouldn't get incumbency rights.
- **Land ceiling**- With a lid over the area of landholding, an individual/ families could hold a portion land as possible according to the allowance. Moreover, only the landlord abolition without the land ceiling, the land reforms would not be this successful. Further land ceiling assured that the wealthy farmers did not become the new type of Zamindars.
- **Land possession**- In India land is not only considered as a source of income but also as a status symbol in society. Previously there was no strict provision regarding maintaining the record of landholdings but after the land, it was made compulsory. It is also necessary to document all tenancy agreements..

- **Increased productivity-** More land came under farming and since farmers themselves became the real owners, fertility increased and the profits. Land reforms were mainly prosperous in West Bengal and Kerala because of the state will of the left-wing governments to execute them efficiently. There was a sort of disturbance in these places in terms of the landholding models and ownership, and also the status of workers.

V. CONCLUSION

Land reforms in India had reflected that past a precisely indicated limit, all other areas with the landowners would be taken up by the state and distributed amongst the small owners to help them satisfy their financial needs. The ceiling on landholdings is, with these courses, is a successful measure for redistribution of land and achieving the objective of social equity. Land reforms target repositioning ownership thinking from the viewpoint of social equity and revamping operational property from the view purpose of perfect use of land.

Due to Zamindari Abolition, approximately 30 lakhs tenants, sharecroppers and farmers gained possession rights over a certain developed region of approx 25 lakhs hectares all over the nation. The entire idea of land reforms directs on the dissolution of negotiators and getting the real cultivator in close contact with the state. The extent of land changes, therefore, includes (i) abolition of intermediaries, (ii) tenancy reforms, i.e., guideline of lease, protection of residency for occupants and accordance to the proprietorship on them; (iii) ceiling on land holdings and improving the arrangement of record-keeping (iv) Increasing productivity.

Land reforms have a purpose other than agriculture purpose. The redistribution of land becomes a need often for developing and manufacturing purposes too. This requires a proper land policy, which provides due importance to nature, improvement and inclusion. More profound basic reforms will guarantee that the application of land redistribution becomes meaningful, allowing small farmers to turn their lands into productive assets. When all citizen of the country enjoys the advantages of ownership of land, it can lead to social and economic upliftment.
